

109TH CONGRESS
1ST SESSION

H. R. 1424

To impose sanctions against perpetrators of crimes against humanity and genocide in Darfur, Sudan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mr. PAYNE (for himself, Mr. TANCREDO, Mr. MEEKS of New York, Ms. LEE, Mr. CAPUANO, Mr. CONYERS, Mr. RANGEL, Mr. PITTS, Mr. THOMPSON of Mississippi, and Mr. RUSH) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To impose sanctions against perpetrators of crimes against humanity and genocide in Darfur, Sudan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Darfur Genocide Ac-
5 countability Act of 2005”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-

mittees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) GOVERNMENT OF SUDAN.—The term “Government of Sudan” means the National Congress Party-led government in Khartoum, Sudan, or the successor Government of National Unity to be formed pursuant to the Comprehensive Peace Agreement signed by the Government of Sudan and the Sudan People’s Liberation Movement in Nairobi, Kenya on January 9, 2005. Measures against the Government of Sudan, as defined in this paragraph, shall not apply to the Government of South Sudan (GOSS) or to areas formerly under the control of opposition groups.

(3) MEMBER STATES.—The term “member states” means the member states of the United Nations.

(4) SUDAN NORTH-SOUTH PEACE AGREEMENT.—The term “Sudan North-South Peace Agreement” means the Comprehensive Peace Agreement signed by the Government of Sudan and the Sudan People’s Liberation Movement/Army on January 9, 2005.

1 **SEC. 3. FINDINGS.**

2 Congress makes the following findings:

3 (1) On July 22, 2004, the House of Represent-
4 atives and the Senate declared that the atrocities oc-
5 ccurring in Darfur, Sudan, are genocide.

6 (2) On September 9, 2004, Secretary of State
7 Colin L. Powell stated before the Committee on For-
8 eign Relations of the Senate, “[w]hen we reviewed
9 the evidence compiled by our team, along with other
10 information available to the State Department, we
11 concluded that genocide has been committed in
12 Darfur and that the Government of Sudan and the
13 [Janjaweed] bear responsibility—and genocide may
14 still be occurring”.

15 (3) On July 30, 2004, the United Nations Se-
16 curity Council passed Security Council Resolution
17 1556, calling upon the Government of Sudan to dis-
18 arm the Janjaweed militias and to apprehend and
19 bring to justice Janjaweed leaders and their associ-
20 ates who have incited and carried out violations of
21 human rights and international humanitarian law
22 and carried out other atrocities in the Darfur region.

23 (4) On September 18, 2004, the United Na-
24 tions Security Council passed Security Council Reso-
25 lution 1564, determining that the Government of
26 Sudan had failed to meet its obligations under Secu-

1 rity Council Resolution 1556, calling for a military
2 flight ban in and over the Darfur region, demanding
3 the names of Janjaweed militiamen disarmed and
4 arrested for verification, establishing an Inter-
5 national Commission of Inquiry into violations of
6 international humanitarian and human rights laws,
7 and threatening sanctions should the Government of
8 Sudan fail to fully comply with Security Council
9 Resolutions 1556 and 1564, such as actions to affect
10 Sudan’s petroleum sector.

11 (5) In late January 2005, the International
12 Commission of Inquiry on Darfur submitted a 176-
13 page report to Secretary General Kofi Annan detail-
14 ing the atrocities committed by the Government of
15 Sudan and its Janjaweed militia allies.

16 (6) The Commission declared that “based on
17 thorough analysis of the information gathered in the
18 course of the investigations, the Commission estab-
19 lished that the Government of Sudan and the
20 Janjaweed are responsible for serious violations of
21 international human rights and humanitarian law
22 amounting to crimes under international law.”.

23 (7) The Commission further stated that Suda-
24 nese Government officials and other individuals may
25 have committed genocidal acts, and submitted a

1 sealed document with 51 suspects for prosecution by
2 the International Criminal Court (ICC).

3 **SEC. 4. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the atrocities unfolding in Darfur, Sudan,
6 are genocide;

7 (2) the Comprehensive Peace Agreement be-
8 tween the Government of Sudan and the Sudan Peo-
9 ple's Liberation Movement/Army must be fully and
10 unconditionally implemented and a new coalition
11 government established under such Agreement;

12 (3) the African Union must amend the mandate
13 of the African Union Mission in the Sudan to focus
14 directly on protecting civilians from attacks and to
15 neutralize the Janjaweed militia and other militia
16 groups engaged in attacks against civilians;

17 (4) the United Nations or NATO should deploy
18 at least 10,000 troops to the Darfur region to aug-
19 ment the African Union Mission in the Sudan;

20 (5) the United States strongly condemns at-
21 tacks on humanitarian workers and calls on all
22 forces in Darfur, including forces of the Government
23 of Sudan, all militia, and forces of the Sudan Lib-
24 eration Army/Movement and the Justice and Equal-
25 ity Movement, to refrain from such attacks;

1 (6) the President should appoint a Presidential
2 Special Envoy to Sudan—

3 (A) to seek comprehensive peace through-
4 out Sudan;

5 (B) to support the implementation of the
6 Sudan North-South Peace Agreement;

7 (C) to find ways to bring stability and
8 peace to Darfur;

9 (D) to address instability throughout
10 Sudan; and

11 (E) to address the related crisis in North-
12 ern Uganda;

13 (7) the United States should support account-
14 ability through action by the United Nations Secu-
15 rity Council, pursuant to chapter VII of the Charter
16 of the United Nations, to ensure the prompt pros-
17 ecution and adjudication in a competent inter-
18 national court of justice or the United States-pro-
19 posed Sudan Tribunal of individuals responsible for
20 war crimes, crimes against humanity, and genocide;
21 and

22 (8) the President of the United States shall in-
23 struct the United States Permanent Representative
24 to the United Nations to demand—

1 (A) the extension of the military embargo
2 to the Government of Sudan, as called for in
3 paragraphs 7 through 9 of United Nations Se-
4 curity Council Resolution 1556;

5 (B) the freezing of property and assets of
6 government and military officials and their fam-
7 ily members; Janjaweed leaders; and individuals
8 engaged in planning, directing, and imple-
9 menting of the atrocities in Darfur;

10 (C) that member states significantly re-
11 duce the number and the level of the staff at
12 Sudanese diplomatic missions and consular
13 posts and restrict or control the movement
14 within their territory of all such staff who re-
15 main;

16 (D) steps to restrict the entry into or tran-
17 sit through their territory of members of the
18 Government of Sudan, military officials of that
19 Government, militia leaders, and other individ-
20 uals involved in the planning, directing, and en-
21 forcing measures against civilians; and

22 (E) steps to discourage international and
23 regional organizations from convening any con-
24 ference in Sudan.

1 **SEC. 5. IMPOSITION OF SANCTIONS.**

2 (a) **BLOCKING OF ASSETS.**—Beginning on the date
3 that is 30 days after the date of enactment of this Act
4 or 30 days after the formation of the National Unity Gov-
5 ernment of Sudan, the President shall, consistent with the
6 authorities granted in the International Emergency Eco-
7 nomic Powers Act (50 U.S.C. 1701 et seq.), block the
8 property and assets of officials of the Government of
9 Sudan and their family members; military officials and
10 their family members; individuals implicated in the atroc-
11 ities in Darfur as well as businesses partially or fully con-
12 trolled by the above aforementioned individuals; and prop-
13 erty and assets controlled by the National Congress Party.

14 (b) **VISA RESTRICTION.**—Notwithstanding section
15 428(b) of the Homeland Security Act of 2002 (6 U.S.C.
16 236(b)), the Secretary of State shall prohibit the granting
17 of a visa to—

18 (1) officials of the Government of Sudan impli-
19 cated in the atrocities in Darfur;

20 (2) officials of the military of Sudan implicated
21 in the atrocities in Darfur;

22 (3) militia members or other individuals impli-
23 cated in the atrocities in Darfur; and

24 (4) family members of an individual described
25 in paragraphs (1), (2), and (3).

1 (c) TRAVEL RESTRICTIONS.—The Secretary of State
2 shall take measures to significantly reduce the number
3 and the level of the staff at the Sudanese diplomatic mis-
4 sion in Washington, D.C., and restrict or control the
5 movement within the United States of all such staff who
6 remain.

7 (d) RESTRICTION ON INTERNATIONAL CON-
8 FERENCES.—The Secretary of State shall instruct the
9 United States Permanent Representative to the United
10 Nations to oppose any conference organized by United Na-
11 tions member agencies or other international and regional
12 organizations from being held in Sudan.

13 (e) REPORTING REQUIREMENT.—Not later than 30
14 days after a decision to freeze the property or assets of,
15 or deny a visa or entry to, any person under this section,
16 the President shall report the name of such person to the
17 appropriate congressional committees.

18 **SEC. 6. AUTHORIZATION TO USE FORCE TO STOP GENO-**
19 **CIDE IN DARFUR, SUDAN.**

20 (a) AUTHORIZATION TO USE FORCE.—The President
21 is authorized to use all necessary means, including use of
22 the United States armed forces, to stop genocide in
23 Darfur, Sudan, consistent with the Convention on the Pre-
24 vention and Punishment of the Crime of Genocide, to en-
25 force United Nations Security Council Resolutions 1556

1 and 1564, and in response to the Comprehensive Sudan
2 Peace Act of 2004.

3 (b) AUTHORIZATION TO NEUTRALIZE PERPETRA-
4 TORS OF THE VIOLENCE.—The President is authorized
5 and strongly encouraged to consider utilizing unmanned
6 armed planes and other military assets to neutralize—

7 (1) Janjaweed or other militia groups intent in
8 targeting civilians;

9 (2) helicopters or fixed aircraft used to attack
10 civilians or to provide cover and assistance to militia
11 groups; and

12 (3) intelligence or military headquarters used to
13 plan and direct attacks against civilians.

14 (c) NO-FLY ZONES.—The President is authorized to
15 use force to enforce a no-fly zone over the Darfur region
16 by utilizing American military assets, including—

17 (1) those currently stationed in the Horn of Af-
18 rica region and/or use of NATO forces;

19 (2) options that employ technological capabili-
20 ties to intercept and jam communications between
21 the Government of Sudan and the Janjaweed; and

22 (3) cost-effective equipment such as aerostats,
23 airships, or unmanned aerial vehicles to achieve situ-
24 ational awareness.

1 (d) PORT ENTRY DENIAL.—The President is author-
2 ized to deny port entry to the United States to cargo ships
3 or oil tankers engaged in business or trade activities in
4 the oil sector of Sudan and/or involved in the shipment
5 of goods for use by the Sudan Armed Forces.

6 **SEC. 7. PROHIBITION ON TRADING IN UNITED STATES CAP-**
7 **ITAL MARKETS.**

8 (a) PROHIBITION.—The President shall exercise the
9 authorities he has under the International Emergency
10 Economic Powers Act (without regard to the requirements
11 set forth in section 202 of that Act) to prohibit any entity
12 engaged in any commercial activity in Sudan—

13 (1) from raising capital in the United States; or

14 (2) from trading its securities (or depository re-
15 cepts with respect to its securities) in any capital
16 market in the United States.

17 (b) PENALTIES.—The penalties under section 206 of
18 the International Emergency Economic Powers Act shall
19 apply to violations under subsection (a) to the same extent
20 as such penalties apply to violations under that Act.

21 (c) WAIVER.—The President may waive the applica-
22 tion of sanctions in section 5 and this section if the Presi-
23 dent determines and certifies to the appropriate congres-
24 sional committees that such a waiver is in the national
25 interest of the United States.

1 (d) NOTIFICATION OF WAIVERS OF SANCTIONS.—
2 Not later than 30 days before waiving the provisions of
3 any sanctions currently in force with regard to Sudan, the
4 President shall submit to the appropriate congressional
5 committees a report describing the waiver and the reasons
6 therefor.

7 **SEC. 8. REPORTS TO CONGRESS.**

8 (a) DISCLOSURE OF BUSINESS ACTIVITIES IN
9 SUDAN.—

10 (1) ANNUAL REPORT TO CONGRESS.—The Sec-
11 retary of the Treasury shall, not later than 6
12 months after the date of the enactment of this Act,
13 and not later than the end of each 1-year period
14 thereafter, submit to the Congress a report that
15 includes—

16 (A) the identity of all entities that are en-
17 gaged in commercial activity in Sudan;

18 (B) the nature and extent of that commer-
19 cial activity in Sudan, including any plans for
20 expansion or diversification;

21 (C) the identity of all agencies of the Su-
22 danese Government with which any such entity
23 is doing business; and

1 (D) the relationship of the commercial ac-
2 tivity to any violations of religious freedom and
3 other human rights in Sudan.

4 (2) DISCLOSURE TO THE PUBLIC.—The Sec-
5 retary of the Treasury shall publish or otherwise
6 make available to the public each report submitted
7 under subsection (a).

8 (b) CONFORMING AMENDMENT.—Section 8(b)(1) of
9 the Sudan Peace Act (50 U.S.C.1701 note) is amended
10 to read as follows:

11 “(1) The best estimates of the extent of aerial
12 bombardment of, as well as the extent of militia ac-
13 tivity against, civilian centers in Sudan, by the Gov-
14 ernment of Sudan, including targets, frequency, and
15 best estimates of damage.”.

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